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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

TOM FORESE – Chairman
BOB BURNS
DOUG LITTLE
ANDY TOBIN
BOYD W. DUNN

AZ CORP COMMISSION
DOCKET CONTROL

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Arizona Corporation Commission

DOCKETED

AUG 4 2017

DOCKETED BY

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In the matter of:

DOCKET NO. S-20986A-16-0340

JACOB WOHL, a single man,

MATTHEW JOHNSON, a single man,

WOHL CAPITAL INVESTMENT GROUP, LLC, a
California limited liability company,

NEX CAPITAL MANAGEMENT, LLC, a Delaware
limited liability company, and

MONTGOMERY ASSETS, INC., a Wyoming
corporation,

Respondents.

PROCEDURAL ORDER
(Vacates Hearing)

BY THE COMMISSION:

On September 27, 2016, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed its Temporary Order to Cease and Desist and Notice of Opportunity for Hearing (“Notice”) against Jacob Wohl, a single man, Matthew Johnson, a single man, Wohl Capital Investment Group, LLC, a California limited liability company, NeX Capital Management, LLC, a Delaware limited liability company, and Montgomery Assets, Inc., a Wyoming corporation (collectively “Respondents”), in which the Division alleged violations of A.R.S. §§ 44-1801, *et seq.*, the Arizona Securities Act (“Securities Act”), and A.R.S. §§ 44-3101, *et seq.*, the Investment Management Act (“IM Act”), in connection with the offer and sale of securities in the form of promissory notes, investment contracts and/or loan agreements.

On February 28, 2017, the Division filed its Memorandum and Proposed Order to Cease and Desist, Order for Restitution, and Order for Administrative Penalties (“Proposed Order”).

1 On March 9, 2017, Respondent Wohl sent an email to the Division requesting a hearing.¹

2 Also on March 9, 2017, the Division filed its Request for Pre-Hearing Conference. The
3 Division asked that the pre-hearing conference be scheduled to determine whether Respondent Wohl's
4 request for a hearing should be granted or denied.

5 On March 14, 2017, by Procedural Order, a pre-hearing conference was scheduled to commence
6 on March 28, 2017.

7 On March 27, 2017, the Division filed an email exchange between the Division and Respondent
8 Wohl in which Respondent Wohl stated he "will appear at tomorrow's hearing via telephone"
9 ("Request").

10 Also on March 27, 2017, by Procedural Order, Respondent Wohl's Request was granted.

11 On March 28, 2017, the pre-hearing conference was held as scheduled. The Division appeared
12 through counsel. Respondent Wohl appeared *pro per* via telephone. Respondent Johnson did not
13 appear. The Division opposed Respondent Wohl's request for a hearing, and this issue was taken under
14 advisement. The scheduling of a hearing was discussed in the event the matter proceeds to hearing.
15 Furthermore, the Division requested that the schedule include a deadline for Respondents to file their
16 Answers.

17 On March 31, 2017, by Procedural Order, a hearing was scheduled to commence on June 26,
18 2017.

19 On April 4, 2017, Respondent Johnson sent an email to the Division requesting a hearing.²

20 On April 6, 2017, by Procedural Order, the hearing scheduled for June 26, 2017, was affirmed.

21 On May 26, 2017, Respondents filed a letter requesting the hearing be continued to the week
22 of July 24, 2017, and that the exchange of Witness Lists and Exhibits take place on June 26, 2017.

23 On May 31, 2017, the Division filed a Response to the request for continuance stating it did not
24 object to continuing the hearing to the week of July 24, 2017, and the deadline for the exchange of
25 Witness Lists and Exhibits to June 26, 2017. The Division requested that a pre-hearing conference be
26 set to identify dates agreeable to the Court and all parties.

27 _____
28 ¹ The email was also filed in this docket on March 9, 2017.

² The email was also filed in this docket on April 4, 2017.

1 On June 5, 2017, by Procedural Order, a pre-hearing conference was scheduled for June 15,
2 2017.

3 On June 15, 2017, the pre-hearing conference was held as scheduled. The Division appeared
4 through counsel. Respondents Wohl and Johnson did not appear. The rescheduling of the hearing was
5 discussed.

6 On June 20, 2017, by Procedural Order, the hearing was rescheduled to commence on August
7 7, 2017, and the deadline to exchange Witness Lists and Exhibits was continued to June 26, 2017.

8 On August 4, 2017, the Division and Respondents filed their Joint Motion to Continue Hearing,
9 stating that they have been engaging in discussions regarding a Proposed Consent Order and believe
10 that they will be able to resolve this matter without an administrative hearing.

11 Good cause has been shown to continue the administrative hearing.

12 IT IS THEREFORE ORDERED that the **Joint Motion to Continue Hearing is granted.**

13 IT IS FURTHER ORDERED that the **hearing currently scheduled to commence on August**
14 **7, 2017, is vacated.**

15 IT IS FURTHER ORDERED that the **hearing be continued indefinitely pending**
16 **Commission approval or rejection of the proposed consent order.**

17 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
18 Communications) applies to this proceeding, and shall remain in effect until the Commission's
19 Decision in this matter is final and non-appealable.

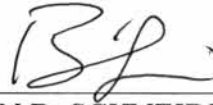
20 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
21 31, 38, 39, and 42 and A.R.S. §40-243 with respect to the practice of law and admission *pro hac vice*.

22 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
23 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
24 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
25 all hearings, procedural conferences, Open Meetings for which the matter is scheduled for discussion,
26 unless counsel has previously been granted permission to withdraw by the Administrative Law Judge
27 or Commission.

28 ...

1 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 4 day of August, 2017.

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7 BRIAN D. SCHNEIDER
8 ADMINISTRATIVE LAW JUDGE
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On this 4th day of August, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Vacates a Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

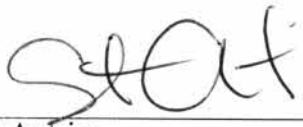
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